

CANADA / JUDGMENT

Shiri v. Canada (Citizenship and Immigration)

2026 FC 224

COURT

Federal Court

DECIDED

18 February 2026

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Shiri v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-18 Neutral citation 2026 FC 224 File numbers IMM-11883-24 Decision Content Date: 20260218 Docket: IMM-11883-24 Citation: 2026 FC 224 Toronto, Ontario, February 18, 2026 PRESENT: The Honourable Madam Justice Furlanetto BETWEEN: MOJTABA SHIRI Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] This is an application for judicial review of a May 10, 2024 decision [Decision] of a Visa Officer who refused the Applicant's application for permanent residence [PR] in the self-employed persons class. The Officer was not satisfied the Applicant met the requirements of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] and the definition of a "self-employed person" set out in subsection 88(1) of the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR].
- [2] For the reasons set out below, the application is granted as in my view the reasons lack a rational chain of analysis and the required intelligibility and justification. I. Background [3] The Applicant, Mojtaba Shiri, is a citizen of Iran and a former professional soccer player and coach, with 15 years of professional soccer experience and 6 years of self-employed professional coaching experience. In 2021, he applied for permanent residency under the self-employed persons class seeking to coach and establish a soccer academy in Toronto.
- [4] In his application, the Applicant provided details relating to his education, qualifications, professional soccer career and coaching experience, including his certifications, past contracts, awards and recognitions, invitations to participate in international soccer festivals and exhibitions, confirmation of his selection as a coach for prominent teams due to his expertise, and certificates of appreciation for contributions made to the sport of soccer. His application included a business plan and further submissions from the Applicant's counsel on the Applicant's ability to make a contribution to specific economic activities. The application also provided a research paper, proof of finances, and self-assessment of the Applicant's English language ability as "moderate".

- [5] The Officer refused the application, taking issue with the adequacy of the Applicant's proposed business plan, the Applicant's English language proficiency, and the significance of the Applicant's proposed contribution to Canada. In the Global Case Management System [GCMS] notes, the Officer provided the following reasons for the Decision: [...] Information provided by Pa is lacking in the concrete details pertaining to their specific activities that I would reasonably expect from an applicant with the intention and ability to be self-employed in Canada. Consequently, I am not satisfied that Pa indeed has the ability and intent to become a self-employed person in Canada. PA indicate moderate English language abilities and no abilities in French. Insufficient evidence of language skills provided. I would reasonably expect a person to have an intermediate and above ability in the local language where they intend to work. Not only to be able to navigate their chosen industry but also to attract clients and students and be able to follow up and communicate with them. I have concerns based on the limited evidence of PA's official language abilities on file that they have sufficient ability to communicate in English enabling them to be self-employed and economically establish in Canada. Although I acknowledge that Pa has savings and assets and has managed to support themselves and their family from their self-employment in Iran, in view of the concerns above, I am not satisfied that they indeed have the intention and ability to become self-employed in Canada. Notwithstanding the mention of some economic and social benefits for Canada. PA has failed to sufficiently define and quantify how their contribution would be significant to Canada. For these reasons, I am not satisfied the applicant meets the definition set out in R88(1) as a self-employed person, and I am not satisfied they are eligible per R100(2). II. Analysis [6] The sole issue before the Court is whether the Decision was reasonable. A reasonable decision is one that is "based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker": *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 85. A decision will be reasonable if when read as a whole and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility: *Vavilov* at para 99.
- [7] The Applicant argues that the Officer's reasons are unintelligible as they lack any analysis, consideration, or reference to the material evidence submitted by the Applicant and provide no explanation for why the Officer found the Applicant did not meet the requirements of subsection 88(1) of the IRPR. The Applicant asserts that the Officer did not follow the statutory framework for consideration, which requires the Officer to consider the Applicant's experience, intention, and ability to be self-employed and to make a significant contribution to specified economic activities in Canada, before they apply the selection criteria and consider issues such as language proficiency.
- [8] Pursuant to subsection 12(2) of the IRPA, "[a] foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada."

- [9] Subsection 88(1) of the IRPR defines a “self-employed person” as a “foreign national who has relevant experience and has the intention and ability to be self-employed in Canada and to make a significant contribution to specified economic activities in Canada.”
- [10] Subsection 100(1) of the IRPR clarifies that the self-employed persons class is a class of persons “who may become permanent residents on the basis of their ability to become economically established in Canada and who are self-employed persons within the meaning of subsection 88(1).”
- [11] Subsection 102(1) of the IRPR outlines criteria for determining whether a foreign national will be able to become economically established in Canada as a member of the self-employed persons class. This subsection states that an officer shall assess the foreign national based on several factors, including proficiency in the official languages of Canada (paragraph 102(1)(c)), age, education, experience and adaptability.
- [12] Immigration, Refugees and Citizenship Canada’s operational guidelines for assessing applications under the self-employed persons class outlines a series of selection criteria that officers may use to assess eligibility in the self-employed persons class. The guidance states that “[i]f an officer is satisfied that an applicant meets the regulatory definition of self-employed person, the officer will assess the applicant against the point system”, which it identifies as including five selection factors: experience, age, education, official language proficiency, and adaptability. The guidance provides a point system for the factors, specifying that an applicant requires at least 35 points to be approved. The guidance designates 24 points out of 100 for official language proficiency, 35 points for experience, and 25 points for education.
- [13] In this case, the Officer states that the Applicant’s business plan is lacking concrete details of the Applicant’s specific activities. However, the Officer does not identify what further information they are looking for, or how the information that was provided is insufficient considering the nature of the business proposed.
- [14] While in their submissions, the Respondent offers suggestions as to the details that should have been provided in the business plan, these suggestions are not found in the Officer’s reasons and cannot be used to supplement this omission: *Torkestani v Canada* (Immigration, Refugees and Citizenship), 2022 FC 1469 at paras 18–20; *Nouri v Canada* (Citizenship and Immigration), 2023 FC 1240 at para 10.
- [15] Here, there is no analysis provided by the Officer, nor explanation given as to how the statutory test was applied. As such, the Applicant is left wondering whether the Officer’s concerns relate to the feasibility of the Applicant’s proposal for coaching and starting a soccer academy, his commitment, the scale of the proposal, or something else, and why the Officer is concerned with the Applicant’s ability and intention in view of his experience and dedication to the field of soccer.

- [16] The Officer's explanation regarding the inadequacy of the Applicant's language ability is equally lacking, particularly in view of the nature of the business proposed and the Applicant's experience and reputation in his field. The Applicant indicated he has "moderate" English language skills. The Officer seems to draw a distinction between "moderate" language skills (which was the only middle choice provided on the application form) and "intermediate" language skills, although this distinction is not explained. The Officer notes the lack of formal language evaluation, although they do not indicate how much weight is attributed to this omission in their assessment.
- [17] Although the Respondent relies on *Wei v Canada* (Citizenship and Immigration), 2019 FC 982 [Wei] at paragraph 45 and *Azani v Canada* (Citizenship and Immigration), 2022 FC 99 [Azani] at paragraphs 30-31 to support this aspect of the Officer's reasons, I do not find these cases of assistance. In *Wei*, the applicant admittedly could speak neither official language, which is not the case here. Similarly, in *Azani* the applicant acknowledged in their business plan that they would need to improve their English language skills to achieve success at their proposed business which relied heavily on effective communication in English. The Applicant has not identified such a shortcoming here.
- [18] In this case, there are no concerns relating to the Applicant's language ability raised in the application. It is unclear why the Officer arrived at the conclusion that "moderate" language skills would be insufficient. Further, it is unclear how the Officer weighed this language assessment in their overall analysis considering the statutory framework, the other criteria outlined in subsection 102(1) of the IRPR (for example, experience and education), and the nature of the proposed business.
- [19] In my view, the Decision lacks a rational chain of analysis and provides insufficient justification and intelligibility. For these reasons, the application is allowed and will be sent back, to be redetermined by a different officer.
- [20] There was no question for certification proposed by the parties, and I agree none arises in this case. JUDGMENT IN IMM-11883-24 THIS COURT'S JUDGMENT is that The application for judicial review is allowed, the May 10, 2024 decision is set aside, with the matter to be redetermined by a different officer. No question of general importance is certified. "Angela Furlanetto" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-11883-24 STYLE OF CAUSE: MOJTABA SHIRI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: HEARD BY VIDEOCONFERENCE DATE OF HEARING: february 3, 2026 JUDGMENT AND REASONS: FURLANETTO J. DATED: february 18, 2026 APPEARANCES: Sadaf Tahriri For The Applicant James Todd For The Respondent SOLICITORS OF RECORD: M. Tabatabaee Immigration Services Inc. For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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